

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EATON CORPORATION,

Plaintiff,

Case No. 03-74844

vs.

HON. GEORGE CARAM STEEH

ZF MERITOR LLC, ARVINMERITOR,
INC. and ZF FRIEDRICHSHAFEN AG,

Defendants.

_____ /

ORDER DENYING DEFENDANTS' MOTION FOR
SEPARATE TRIAL ON INEQUITABLE CONDUCT [DOC. 262]

Defendants filed a motion for the Court to hold an early bench trial on whether inequitable conduct renders Eaton's '350 patent unenforceable. The parties agree that the Court should try the inequitable conduct claim separate from the jury trial in this matter. The issue before the Court is whether the inequitable conduct bench trial should occur before or after the jury trial.

While defendants' arguments for an early bench trial may have been compelling, the Court finds that, for practical considerations, it must deny defendants' motion. The jury trial in this matter is scheduled to begin on June 16, 2008, which does not afford the Court sufficient time to conduct a bench trial, consider post-trial briefs, and render a decision in the matter.

IT IS HEREBY ORDERED that defendants' motion for separate trial on inequitable conduct is DENIED.

Dated: April 21, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 21, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk